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ABSTRACT

This paper responds to the Bush Administration's opposition to including private schools in systems of subsidized choice, and argues that parental choice among public and private schools will promote tolerance and remedy social conflict. In view of President Bush's endorsement of the benign effects of competition, his insistence on an all-public choice system appears contradictory since it amounts to support for a monopoly over a competitive marketplace. The feasibility of school choice exclusively within the public sector is examined. Necessary mechanisms would include open admissions, transport for disadvantaged students, and a refusal to subsidize unchosen schools or teachers. Such a system does not seem to be under consideration, and the protection of jobs for failed institutions and workers would in any case render it untenable. It is argued that the narrowness of curriculum in an all-public system is offensive to many poor families, whose values it fails to reflect, and that being forced to expose their children to this impoverished and hostile curriculum is a source of deep social resentment. A system that aims to contribute to tolerance and trust among groups will include the choice of private schools and will respect the beliefs and aspirations of low-income and minority parents. (AF)

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Perestroika and the Private Provider

John E. Coons

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Summary of Coons' paper

The opposition of President Bush to the inclusion of private schools in systems of subsidized choice is difficult to explain. All of the arguments that Bush makes for the benign effects of competition suggest their inclusion; and he has offered no justification whatsoever for their exclusion. So far as the president can be understood at all, his policy is either one of whimsy or political expedience.

Could the policy nonetheless work? Certainly the necessary mechanisms of choice could be imagined within the public sector. These include open admission for all students residing within reasonable distance of every school. Transport would also be required for the poor. And unchosen schools and teachers must not be subsidized directly by the state or rescued from failure. There is at present no sign of such a system being considered. And, if jobs are protected for failed institutions and workers, choice cannot work. Ironically, in this respect socialist reformers today seem more committed to competition than does President Bush.

An all-public system is also by law so narrow in its curriculum that it is offensive to families that represent the values that the system must censor. Being forced to expose their children to this impoverished and hostile curriculum is a source of deep social resentment for many of the poor. Any system of schools that aims to contribute to trust and mutual respect among groups will include the choice of private schools. The society that seeks tolerance must show the same respect for the beliefs and aspirations of low-income and minority parents that it has always shown for the rich.

Perestroika and the Private Provider

John E. Coons

In this age of cynicism about the capacity of socialism to do anything right, it is a seventh day wonder to behold a president who still believes in state monopoly of subsidized schooling. Prior to 1989 this side of the chief executive had not been obvious. Mr. Bush had been known to endorse parental responsibility, and some supposed that he might even extend this principle to low-income families. Guests at the White House Conference on Choice in January could thus be forgiven a fleeting impression that the president-elect was kidding. Why else would a free-enterprise Republican assemble the very people who practice what he had been preaching and then announce that the only producer he will subsidize is the government? Had Mr. Bush mistaken us for a meeting of defense contractors? Not likely. Military procurement would be the last function he would entrust to government producers. Education maybe, but war is serious.

And so, it proved, was Bush. He ended all doubt at a later meeting of private school types where he advised parents who want such an education for their child to dig down and pony up for the privilege. The N.E.A. might have said it all for the new president; one wondered that it had.

There is something nicely burlesque about Mr. Bush's post-election conversion to state monopoly. I do not refer to the repudiation of campaign promises; after all, what's a platform for? I mean, first, that this new revelation reached the White House precisely at the historical moment chosen by world socialism to declare its own moral and economic bankruptcy. While Gorbachev had been secretly consulting Adam Smith, Bush it seems had been thrown from his horse by a vision of Albert Shanker. Everyone was trading places; one wondered that Eddie Murphy might be Secretary of Education.

This restoration of the school monopoly to official favor was an anachronism in yet other dimensions. For one thing, it followed a decade of pioneering work on private schools that had shown them to be both a less expensive and more effective place to educate the children of disadvantaged families. James Coleman and his colleagues had let this secret out, and John Chubb and Terry Moe reinforced the message from a fresh direction.[1] As is often the case, the poor seemed already to know by intuition what the

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[1]J. Coleman and T. Hoffer, Public and Private High School: The Impact of Communities (New York: Basic Books, 1987); J. Chubb and T. Moe, Politics, Markets and the Organization of Schools (Washington, D.C. Brooking Inst., 1986).

academics had to learn the hard way. The waiting lists for low-budget, low-tuition private schools have underscored the tragedy of poor families - often minorities - who are stuck with the government schools that public educators shun for their own children. The testimony of these queues is the more poignant when we perceive that one-by-one, and sometimes in bunches, these private havens for the poor are perishing; the clientele they serve cannot meet the modest costs of their operation. Finally, the message of all this is confirmed by a decade of professional polling that consistently reports the aspiration of the poor to escape to the private sector.

Mr. Bush was familiar with all this; and one could forgive the casual observer a moment of disbelief at the performance of the education president. The managers of the existing structure, however, were quick to assure us of Mr. Bush's statesmanship. He was, after all, following a line already circulating among vintage public school apologists. Several with records for survival had already selected public school choice as their next foxhole, and Mr. Bush had now given that course a respectability that would obviate the need for rational justification. The cosmetics were ideal. The faithful would rally for choice within the old fortress, and raise the drawbridge against private producers. No explanations would be offered; let the wisdom of public monopoly be self-evident. Indeed, such a policy may work, at least if its objective is stasis. For that outcome Mr. Bush has now furnished great hope.

To those interested in material improvement of the life-chances for urban children all this may seem tragic and irrational. They had long been hoping for someone inside the garrison to open the window, and now the president himself had sealed it. Nor was it only the president and the educartel that were determined to ignore the evidence. Except for a few lonesome scholars like Coleman, the university community has steadfastly assumed that, if there is to be salvation for city children it will lie exclusively in the public sector. Reformers who are otherwise intelligent and well-intentioned find the prospect of a private contribution so utterly foreign and painful as to merit no consideration whatsoever. Some of this was to be expected. Other things being equal, academics prefer large systems that they can explain in one parsimonious hypothesis. Still, given the embarrassing evidence, there must be more to this neglect than mere cultural lag among the professors.

Whatever in fact is bothering these critics deserves to be brought into the open. If there is something negative about allowing the poor to use private schools -- something to which a fair-minded person would give weight -- let us hear about it. So far the objection to their inclusion remains largely a secret. Occasionally, honest folk like David Kearns argue that public schools would collapse in the face of fair competition. Such a despairing premise, however, could explain only that public schools need monopoly; it cannot begin to suggest that they deserve it.

In a gingerly way I propose to lift the veil on this issue ever so slightly by posing an intermediate question. Let me simply assume for the moment what I do not believe -- that there is sufficient reason to discourage the private option for the poor; that is, tentatively let us agree that society should maintain the financial barriers to private education that were erected in the 1840's to frustrate immigrant and urban families. On that assumption -- that some justification exists to conscript the poor for government schools -- let us pose this question: Could an authentic system of choice even be imagined in the public sector?

The answer, which I can only begin to describe here, is that the formal structure of an exclusively public system of choice -- the merely technical part -- could be intelligibly described.[2] The minimum legal conditions of competition inside the fortress are plain enough, even if they prove to be politically unimaginable. It would be quite another question, however, whether such a stunted system would make sense in a pluralist society. Why should a nation conceived in liberty narrow the interpretation of the good life to what can be preached to the poor from the government pulpit? This question about the wisdom of an exclusively public policy will not be so easy. What set of government sponsored messages about truth

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[2]Stephen Sugarman and I once tried to imagine various criteria of such a system in "Vouchers for Public Schools," Inequality of Education, 60 (Cambridge, Center for Law and Education, 1973).

and virtue would render such a state monopoly of choice superior to the kind of open competition among ideas that would be characteristic of a mixed public private system?

But first, let me comment upon the legal and economic form of an all-public monopoly of choice. What technical apparatus must the hypothetical system include in order to qualify even as an authentic instrument of choice? My answer will assume without discussion that we have already agreed upon the protections that are necessary for low-income families; these include fair admission rules, transport, and the regulation of any additional charges that public schools might add. Given this indispensable tilt toward the poor (a necessary component with or without private schools), only two structural features would be crucial: (1) There must be effective access to (and transfer from) every school within reasonable distance of the child's residence, and (2) there must be no rescue by the state either of unwanted schools or the jobs of unwanted teachers. In short the public system must amount to an open market in which the consumers are subsidized but the producers are not. Each individual public school must rest on its own bottom. It must survive by its capacity to attract and live on the subsidies that are controlled by parents; failing this, the school's assets must be available to its creditors as with any other bankrupt. Employees of schools that go down must be at risk just as in the private sector. They must expect to seek other

gainful attachments -- if necessary, in other professions. This need not entail their forfeiting pension rights, but they cannot be guaranteed employment as public teachers.

Why not prop up failing schools and failing teachers? Because that is precisely what has made public teaching a non-profession and public schools a national embarrassment. When this country effectively guaranteed employment to teachers, we promptly got what we deserved. The problem is not that schools hire natural born losers. Most of our present teachers could probably become decent performers in a fair system. The problem in the present regime is that performance remains virtually irrelevant to teacher security and advancement. And it remains so even where teachers become formally subject to the judgment of their peers. As I lack space to prove this latter point, I will simply assert what experience suggests. That is, peers do not discipline peers until the life of their common enterprise is threatened. Such a threat can come only from the empowerment of customers. Once parents can effectively exit, peer discipline will emerge without artificial stimulation, because everybody on the staff will be put at risk by the failure of an individual teacher or administrator.

May I add that much that now travels under the banner of "choice' has literally nothing in it to justify this claim. The Chicago solution may be an example. That great city is in the process of radically decentralizing its schools. Each school has now chosen a council that is supposed to have real authority -- and maybe it will. This will be grand for the parent group that

controls the council and chooses the principal. For the losers it will be simply a more intimate form of the conscription they have always experienced. Until they are free to go elsewhere they will remain losers. And the people who are planning this system have so far opposed giving parents the chance to move their child to a school that they prefer. Chicago thus will have recreated the politics of the rural school of the 1900s in its own neighborhoods. This is an idea that resurfaces every generation. It may suit Chicago aldermen as it suited some in New York twenty years ago, but it should not be confused with parental choice. And, until such choice is allowed to have its natural effect, the careers of tenured teachers will not be at risk.

Is a program of authentic risk and incentives the reform that is being suggested in the public choice plans that you are familiar with? I hope so, but I have not yet heard about them. Certainly my state superintendent in California has nothing of the sort in mind. He refuses to extend choice beyond a kind of lottery for problematic "space available" in already popular school districts. And, if he is threatening unwanted teachers with termination, this remains a guarded secret. So far as I know, even the great and progressive state of Minnesota has yet to incorporate such fundamental economic discipline into the various mechanisms it has called "choice."

"Magnet" schools, have also been prominent in the mythology of choice, but here too nobody gets put at risk except occasionally the students. This is the device most favored by our education

president; it is a solution in which all the employees in system are supposed to win. And I suppose they do. Good teac get to cluster in the magnets and to enjoy enhanced resour Marginal teachers get to move to the backwaters where they peacefully anchor. Every genuine success story such as East Ha thus has a parallel tale in which the less enthusiastic teac unobtrusively transfer to other areas of the city and continu ply their trade. Do not misunderstand. This is not the faul the handful of creative wavemakers such as Sy Fliegel. Within system, genius has to solve the immediate problem by assemb whatever resources it can muster. East Harlem and its counterparts around the country are monuments to their imagina founders. My only point is that magnetic education tends to zero sum game. Every magnet, you will recall, has one nega pole. The only exception to this occurs in Kansas City, a dist which has repealed the laws of physics by making all sch positive magnets.

My need for sarcasm is now satisfied, and it is time to directly the awful but stimulating reality that will face sch in any authentic system of choice. That reality is t Somewhere -- someday -- administrative and faculty blood will to be spilled. There can be no painless perestroika even for only socialist institution.

In thinking about competition inside the old fortress t may be something to be learned from those desperately unh nations that have tried top-down control not only in schools

in every area of productive life. How are they going about the reform of the production of services? I am woefully ignorant in these matters, but I could not fail to notice one feature of the new socialist spasm. The theoretical model on which much of it is based is as old as Gorbachev. The economists of Eastern Europe are only now retrieving from the dust bin what seems to be the best socialist thinking of the 1930's. This model -- whatever you think of it -- specifies a role for competition among government producers. The following brief passage is from a work quietly admired by soviet bloc economists even in the days of Stalin:

> [T]he state should determine the money income of the citizen; and (2) the citizen should dictate to the state what shall be produced in return for that income. The former provision would insure that the interests of citizens generally would not be sacrificed to the interests of particular individuals; the latter provision would insure that the peculiarities of tastes and needs characteristic of each individual would not be sacrificed to some standard of consumption set up by an all-powerful state.[3]

This paragraph is from the presidential address by Fred M. Taylor to the 1928 meeting of the American Economic Association. It was reprinted in 1938 together with a more famous essay by the Polish economist Oskar Lange[4] which gave the book its title: On the Economic Theory of Socialism. The quoted passage from Taylor is a summation of the general position that Lange put into more

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[3]Fred M. Taylor, "The Guidance of Production in a Socialist State," in On the Economic Theory of Socialism 2nd Ed., B.E. Lippincott (ed.) (The University of Minnesota Press, 1938), pg. 48.

[4]Ibid, at page 55.

technical terms. Their common hope was to prove that socialism could become as efficient as capitalism in deciding just which goods to produce while avoiding the social injuries that Taylor and Lange both associated with capitalism. After the war, Lange, then at the University of Chicago, was persuaded by the U.S. to surrender his American citizenship and to return to his homeland to become the Polish ambassador to Washington. Once in Warsaw he was promptly murdered by the Stalinists; or, in any case, he disappeared and so, for half a century, did his heretical approach. I am told that his work has reemerged in socialist intellectual circles as a plausible framework for a quasi-competitive state economy.

This general idea has an obvious application to our imaginary provision of choice within an all-public school system in the United States. Even among a set of government providers that has been hermetically sealed from private competition, a form of market struggle could in theory be established. For example, under a set of legislated rules, a headmaster or cadre could be designated to manage each individual government school. Every school -- the basic unit of production -- would be provided its start-up capital from tax resources. Its potential customers -- parents -- would receive grants redeemable for education in any one of these government schools. Add whatever particulars you like to this scheme; again, only one is crucial. The school must be on its own. If it lacks customers it must go down; its workers and managers must lose their jobs, and the school's assets must go to the

jobs, and the school's assets must go to the creditors. Such a natural mechanism for the extermination of failing units is essential. This I take to be the message from the East.

Oskar Lange and George Bush seem almost compatible. The important exception is that the proposals supported by Bush show no commitment to put the unproductive workers in our schools to the discipline of the market. And in general there is no sign that authentic choice is what anyone has in mind -- except possibly the Russians. It is my own expectation that protectionism of this sort will triumph in this country so long as the prestige of the presidency is committed to an all-public system. Hence, authentic choice is impossible for the time being.

For one moment, however, let us assume that the thing actually happens -- that there emerges an all-public system of subsidized choice including open access for students and economic death for unsuccessful firms and practitioners. Let us also assume that these government schools offer the range of intellectual variety that is constitutionally tolerated in the public sector; they become worthy producers of a certain popular, if intellectually narrow, brand of education. Would this quasi-competitive socialism for the poor be a healthy thing? We will have successfully excluded private schools, but was this a good idea?

Straightaway I want to deal with the most extreme position on this question. There is a fair number of well-placed Americans who object to encouragement of private choice whatever the consequences may be for the quality of education. They would continue to

conscript the children of the poor even where government schools are bad and private schools are good, available and cheaper. As this hard-nosed view is not ordinarily trumpeted in scholarly journals, my report of it rests largely on my own experience. If the reader's experience is different, he can correct me. As exhibit "A" I offer a recurring vignette taken from personal encounters. For 15 years lawyers interested in the poor (including myself) have been interested in the use of private schools to relieve de jure racial separation. Typically the guilty districts are pathetic educational derelicts like Detroit or Kansas City. Usually there are too few whites to make desegregation meaningful. Suburban public schools may be close by. They have both white children and space, but, for whatever reason, they will not cooperate by accepting voluntary transfers. Our proposal for such cases has been simple enough; let the guilty defendants pay for transfers to integrated private schools, if the parents wish such a transfer. Inevitably these private schools are less costly. Hence the court can get more integration for fewer tax dollars. Nobody loses except the failing schools that these families are trying to escape.

Throughout this decade we have tried to peddle this idea to civil rights leaders. Their typical reaction has been to evade the question and to execute a quick getaway. Only with obnoxious persistence can one drag a responsive answer from lawyers and others who still claim to cherish the values expressed in Brown v. Board of Education. When driven to the wall, they admit that

private schools would be good for the particular children. They admit that such transfers would further desegregation. They then conclude roughly as follows: "Don't ask me to do it; it would help private schools. Worse, it would help religious schools. I believe you mean well, but go away." (Sometimes they are not so sure that I mean well.)

This is fascinating. The device we have in mind would serve the apparent end that these reformers have consistently pursued. It is, nonetheless, intolerable to them, even where it is the only available solution. Presumably, then, the provision of choice among private schools would be even more intolerable where an all-public system of choice actually was already educating children and producing integration. There would then be no justification whatsoever for encouraging choice in the private sector. For the real objection of such opponents turns out to be something peculiarly negative about private schools as such. These critics would not subsidize parents in their choice of these schools, even if this policy would solve what most of us think of as the educational crisis. Fifteen years ago this attitude could have been cloaked as a superficial reading of Supreme Court opinions interpreting the Establishment Clause. That moment in our legal

history has passed.[5] The real objection is now revealed as something else, and, like every other dogmatic commitment, it is difficult to analyze in rational terms.

It cannot be that private schools are expensive and inefficient or that children from disadvantaged families cannot learn there. If there were evidence of this, it would have been presented in the journals, in the debates and in conversations of the sort I just described. Indeed the objection to private schools has nothing to do with quality. It is also plainly independent of the issue of class or racial discrimination; and it transcends even the welfare of individual children. The complaint seems to be almost the precise opposite of those heard daily about the public schools. Private education is <u>too</u> efficient in teaching what some do not want the young to learn. It succeeds, they say, but it succeeds in being "divisive". It is hard to get a grip on this vague expression, but I will give it a try.

A recent paper on choice by the able Stanford economist Henry Levin provides at least an oblique perspective on this objection. Levin opposes subsidized parental choice. He would not deprive the rich of their right to pay tuition, nor would he withdraw the right of private schools to subsidize the poor from the school's

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[5]For an objective evaluation of the present law see Choper, "The Establishment Clause and Aid to Parochial Schools -- An Update", 75 <u>Cal. L.R.</u> 5, (1987).

own resources. But he would maintain those fences erected in the 1800's to keep ordinary and low-income people from taking educational initiative for their own children. And he has reasons.

Levin believes that there is an inevitable "conflict between the private interests of citizens and the public interest of the commonwealth." Education, he asserts, has a split personality. The family advances the child's best interest by choosing the school but simultaneously undermines the society in which the child must live. Here is a longer quotation:

> Education lies at the intersection of two sets of competing rights. The first is the right of parents to choose the experiences, influences, and values to which they expose their children, the right to rear their children in the manner that they see fit. The second is the right of a democratic society to use the educational system as a means to reproduce its most essential political, economic, and social institutions through a common schooling experience.[6]

For Levin this is a true dilemma between private and public interest. Somehow it all reminds me of the mechanical hand that emerges from the toy box to close its own container. Parents make choices that open the mind of their own child but close the mind of society. Given this inevitable self-canceling mechanism, Levin concludes that the only way to promote cohesion and tolerance in society is to <u>force</u> people into a "common schooling experience", thereby assuring a worse education for the individual child. For Levin this is not a hard decision. He prefers the public to the

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[6]Henry Levin, "The Theory of Choice Applied to Education", in <u>Choice and Control In American Education</u>, in W. Clune and J. Witte (eds.) <u>Choice and Control in American Education</u> (forthcoming).

private good. Hence he cannot allow society to help send your child to a school where the families share your vision of the good life. That would be socially destructive even while it was advantageous to your son or daughter.

I must address the substance of this important if paradoxical idea, but first a parenthesis about its political credentials. People who assert this view bill themselves as "democratic". Levin certainly does so. This claim seems to rest upon two premises: (1) that intellectuals effectively represent the common citizen, and (2) that public schools are efficient teachers of democracy. A brief comment will suggest my assessment of both claims.

First, I should have thought that any solution to the education problem that claims to be democratic would invite the common citizen to take charge of his own interests and make his own decisions. Democracy supposes even poor citizens to be competent at the normal tasks of life. Second, while academics are certainly welcome to make claims of civic virtue for the public schools, they cannot expect skeptics to ignore their strikingly anti-democratic history. Some of us find it hard to hear Horace Mann portrayed as an apostle of tolerance. Charles Glenn and others have reminded us how the 19th Century carefully herded immigrants into state schools to hear the received truth preached only by persons who had the right stuff.[7] In reality, democracy has been one of the consistent casualties of the school system.

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[7]C. Glenn, The Myth of the Common Schools, (Amherst, U. of Mass. Press, 1988).

Lest we forget, it was the judges who had to lead the schools kicking and screaming to racial desegregation; and even in our own time the Supreme Court has had to order the schools to respect the rights of religious dissenters and to open their doors to the children of illegal aliens. This elitism of "public" institutions has itself been an embarrassing lesson in intolerance for all of us. No one who has witnessed the exclusivity of a New Trier, Grosse Pointe, Piedmont or Palo Alto could ever suppose that democracy is public education's most important product.

In spite of all this Levin maintains that private schools make it difficult for Americans to work and live in harmony:

> [These schools] must necessarily create a divisive experience rather than one which converges on a common educational experience."[8]

What a dilemma! Either the children from ordinary families will be rounded up and given their education in "common", or necessarily their education will be "divisive". What a piece of luck that the children of the rich are an exception to this rule. Having money apparently ensures that the schools one chooses, private or public, will be effectively democratic. It is only the rest of us that must be clustered in schools that our families have not chosen. Public school is nature's way to teach non-rich Americans the civic virtues.

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[8]See foot note 6, supra.

Now the evidence that private schools produce uncivil and ill-natured citizens is unknown to me. It appears to be unknown as well to their detractors, for it is never cited. I do not claim that no such evidence exists or could never be assembled. Doubtless something politically unflattering about the graduates of the private sector could be found. In the meantime I will cite the considerable evidence of their tolerance and civility that I have gathered first hand. Over the years I have read or written a bit, but my primary experience here comes as a parent who was able to afford a choice. My unimpeachable source is 130 semesters equally divided between public and private schools.

For me it amounts to this: Within formal education the major threat to civility has consistently come -- and still comes -- from the systematic disenfranchisement of the family. The specific forms of tax-supported elitism that I already cited are part of this. But first and foremost is the coercive structure itself -- this leviathan within which the poor are conscripted by bureaucratic strangers for schools they have not chosen. This system could not have been better designed to create hostility in its clientele. This, of course, includes class and racial hostility, but, antecedent to these is the simple despair of the parent of ordinary means who loses authority over a child for the prime hours of the day. The rich can buy out of this social and ideological draft and thereby maintain the family sovereignty, but most parents are stuck.

This appropriation of parental authority by the state makes the present regime a cauldron of social discord. It takes no genius to see this; it takes considerable ingenuity to avoid seeing it. The problem is not that parents are hostile or indifferent to school itself; like the rest of us they want education for their child. What they do not want is to lose their child to an alien institution -- one that may not represent their own ideals but from which, in any case, there is no escape. Parents do not want schools that are competitors for their authority; they want schools that are an extension and confirmation of that authority. The rich already have this with society's blessing; the poor could easily have it, but society -- including the president -- will not give it. This discrimination and this injury are deeply resented. Here is division, indeed.

This is the negative side. Intellectual conscription breeds division. But why would a choice among public schools not be enough to cure this disease? Is the claim here that private schools have a special positive capacity to heal social division? I think the answer is yes. Before I explain this, however, let me stress that government schools would be prominent in any open system. By definition, they would have to be, for the driving principle is choice, and I assume that most parents in the United States would want their children in schools operated by the state.

That is why deregulated government schools should flourish in a subsidized competitive market. Private choice, however, is necessary to avoid social division, because public schools cannot begin to supply the range of reasonable parental choices. To the extent that social division is a direct function of the frustration of parental beliefs and values, the responsible civic answer lies in subsidizing choice of schools which represent their full range. In the case of religious truth (and probably others), the schools will by legal necessity be in private hands. An all-public regime could not satisfy the objective of cohesion, because the values of many parents simply cannot be served.

The idea, then, is embarrassingly simple. Parental choice claims to be a specific remedy for social conflict, because it is the only regime that respects the family's values. Poor and minority families have never been trusted, and their historic reaction to this mistrust has been resentment. A new policy respecting their ideals would, over time, help to heal this pathology. Equally important, it would give these families a crucial stake in the educational process. Necessarily the parents would be drawn from their present state of impotence to one of decisive authority. My claim is that they will prefer such trust and responsibility to their present dependence and impotence. They will cherish and support the society that made it possible for them to extend their authoritative role as parent into the school years of their child. Politically they will be zealous to protect the system that has respected and protected them.

Family aspirations for their children will, of course, be diverse and sometime they will be very distinct and non-neutral. For those still pursuing ideological neutrality, that, of course, is the rub. The ideas of some parents raise the hair on a neutralist's neck. He discovers that on some philosophies he can be more neutral than on others. Not that he would ever be intolerant; indeed, to avoid being misunderstood in this way he would like to have the ultimate question about choice rephrased to read something like the following: Should we encourage schools that individually are marketplaces of conflicting ideals or should we instead encourage a marketplace of schools each of which individually promotes some consistent ideal? Should each school contain within its walls a neutral smorgasbord of values, or should ideological variety be allowed to flourish also between and among schools?

This form of the question is fair, so long as the reader first sees the factual assumptions that it entails. Apart from the exclusion of religion from formal education the issue as now restated presupposes that public schools can achieve two goals that are profoundly difficult. The first is the maintenance of a true neutrality even among those values that in fact make their way to the public curriculum; the second is the fair representation in that curriculum of the full range of non-religious values that compete in the larger society. At very close range I have watched well-intended neutralists consistently fail at both tasks and even remain unconscious of their own powerful bias. This experience

seems confirmed by the literature on the question.[9] I can conclude that we have never achieved even these very limited f of neutrality, and I see no reason to suppose that we ever co I find myself in rough agreement with my distinguished colle Czeslaw Milosz:

> [T]he peculiar traits of American schools provide the young generation with something that can only be called nihilism. The raising of the young without indoctrination is something new -- until now there have always been attempts to indoctrinate them with a religion or a socialistic or nationalistic creed, yet American educators themselves have no fundamental creeds from which to operate. According to Herbert Marcuse, it is exactly this lack of any direction which constitutes the insidious preparation for a bestial existence reduced to earning and spending.... [T]he quarrel of Marcuse with America is a quarrel with an indefinite opening up to what is called culture, something in which bourgeois Europe specialized on a less gigantic scale. That opening up usually resulted in the equal importance and relativity of all ideas, while in practice sonority and range were granted only to ideas shaping attitudes of bitterness, despair, and the sense of man's superfluousness in the universe. The fruit of all this was either the acceptance of earning and spending, or, among bohemians, the worship of Art as the only absolute. Also, in the next phase, a longing for political terror.
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> The lack of indoctrination today is not only equivalent to an opening up but also to a submission to certain kinds of unplanned propaganda.[10]

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[9]For a set of references on this point, I might diffidence recommend my own "Intellectual Liberty and the Schoo 1 J. of. Law, Ethics and Public Policy 495 (1985). And generally J. Coons and S. Sugarman, Education by Choice (Berke U. of Calif. Press, 1978).

[10]Czeslaw Milosz, "Biblical Heirs and Modern Evils", in Immigrant Experience, Thomas C. Wheeler (Ed.) (Penguin Bo 1971), pg. 202.

This is a bit stronger than I would put it. In their indictment of the schools Milos -- and certainly Marcuse -- missed the power of the implicit and generally idealistic messages that are radiated individually by strong teachers. The idea, for example, that a distinctly religious (or anti-religious) teacher would project none of her ideals and beliefs to her students is unrealistic. There are unspoken treaties within the public system that allow precisely for this. These understandings are in-house secrets, and it would be surprising for immigrant observers to catch their significance. Their effect on the individual child, however, is wholly adventitious and even chaotic. Everything depends on the luck of the draw. Taken all in all, Milos' dark picture is not far from reality.

Still, in the end, we should hope that the case for tolerance through parental choice ought to be one that can be made in still more positive terms. Is there anything educationally progressive to be said for the indoctrination of the child in the values of the parent even in a society where family values are no longer moderated by a predominant culture or by the church? The case for choice would be strongest if we could see that the very effort to maintain strong and specific parental values -- both secular and religious -- had a benign effect upon the civic outlook of the child.

I think that it does. My sense is that not always, but typically, the parental choice of a strongly ideological education sensitizes the child to civic values, and I predict that the

extension of choice to all families would increase this outcome. The theory is simple enough. While socratic neutrality in the schoolhouse may be best for some children, in most cases the moral development of the child -- the sense of a basic duty toward others -- is a product of a more pointed experience. To generate a real concern for justice, it is best to connect children to teachers who represent -- who are a proxy for -- the authority of their parent; children prosper by steady mastery of consistent ideas concerning who they are and where they are supposed to be headed. True, in such a regime different children will learn that they are headed in what appear to be different directions; nevertheless, what most will grasp is the importance to the self of individual commitment. The child who learns early and consistently to care about truth and justice in some particular form is the one most likely to be emotionally committed as an adult to truth and justice in every form. One must learn to love something before he can learn to love everything.

If this be heresy, there is one consoling thought for the die-hard neutralist. In the end we may be on the same team. Given the reality of the media and the rest of modern life, few children could in any case remain insulated from the "neutral" message of secular society. Social and economic evolution has, in its curious way, reversed the 19th Century justification for the neutralist dogma. In the isolated villages of a rural and parochial America the problem was to find a way to broaden the outlook of all these narrow and inward turning populations. Today the challenge is

provide the child a coherent message about the good and his responsibility to fight for it. If ever we had a coherent message as a society, we have it no longer. The capacity of the family to choose a private school represents its plausible source. To me it will be no paradox if the hope of the neutralist educator for solidarity among diverse peoples should lie in our encouragement of formal indoctrination of the child in the values of the parents. James Coleman has told us that parental authority is the path to community and, through community, to effective education. I would add that here also may lie the only imaginable form of neutrality among the conflicting ideals that we hold for our children.